

SUBSEQUENT MITIGATED NEGATIVE DECLARATION

April 12, 2007

Project Name: Queen of Angels Major Use Permit Modification

Project Number(s): P83-054W¹, Log No. 83-14-052A

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Subsequent Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Environmental Review Checklist Form for Projects with Previously Approved Environmental Documents dated December 1, 2003
- b. Extended studies for Visual, Traffic (revised August 10, 2006), Hydrology, Stormwater, Stormwater Management Plan Addendum dated August 15, 2006, Noise (revised December 9, 2004) and Biology.

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Subsequent Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Review Checklist Form for Projects with Previously Approved Environmental Documents dated December 1, 2003 for the rationale for requiring the following measures:

BIOLOGICAL IMPACT MITIGATION MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall:
1. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easement(s) that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown in the **Open Space Fencing Plan dated June 13, 2003** on file as ER 83-14-052A with the Department of Planning and Land Use. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence and/or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be 4 feet.
 2. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the **Open Space Signage exhibit dated June 13, 2003** on file with the Department of Planning and Land Use as File Number ER 83-14-052A. Evidence shall include photographs of a sign placed on the project and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant and 6" x 9" minimum in size, on posts not less than 3 feet in height from the ground surface and must state the following:

“Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 83-14-052A”

3. On the face of all grading and improvement plans add the following note:

“Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of chaparral habitat during the breeding season for migratory birds and non-migratory birds. This is defined as occurring between March 1 and August 31. The Director of Planning and Land Use, may waive this condition, through written concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game, that no nesting birds are present in the vicinity of the brushing, clearing or grading.”

NOISE IMPACT MITIGATION MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall:
 1. Submit for approval, by the Director of Planning and Land Use, a construction noise mitigation plan prepared by a County-certified acoustical consultant based on the final construction plans for these church facilities. The Plan shall include mitigation measures and work schedules to be implemented by the applicant so the daily noise exposure level from all construction activities within any 24-hour period do not exceed the 8-hour noise equivalent level of 75 decibels (dBA). Based on any legitimate complaints to the County from neighboring property owners, the consultant shall be required to investigate and to monitor noise levels, if required, at the residential property line most affected by construction operations (i.e., along the northern property line with the elevated neighboring residences). With any documented overexposure, the consultant shall recommend additional measures to be filed with the construction noise plans at DPLU and to implement them on the construction project in order to comply with the County Noise regulations (Section 36.410).

2. Specify on the face of final grading plans that temporary construction activities involving rock crushing operations within 162 feet of a property line shall be subject to monitoring and mitigation measures such as temporary noise barriers or reduced hours based on the findings and recommendations of the construction noise mitigation plan approved by the Director of the Department of Planning and Land Use.
3. Specify on Sheet A-6 or the "Modular Building Elevations of the final page of the plot plans fourteen Bard model air conditioners with the following language: "The interim fellowship hall shall have 7 Bard Model WA/WH241 wall-mounted air-conditioners or equivalently sized units each with an equivalent noise performance criteria (hourly maximum sound pressure level) of 45 decibels (dBA) or less at a distance of 50 feet. The interim administrative building and modular classrooms shall have a total of 7 Bard Model WA/WH361 wall-mounted air-conditioners or equivalently sized units each with an equivalent noise performance criteria (hourly maximum sound pressure level) of 48 decibels (dBA) or less at a distance of 50 feet." These air conditioners shall be mounted on four temporary buildings at the locations shown on the Exhibits on pages 19A and 19B in the revised Noise Impact Study by Giroux and Associates dated December 9 2004.

VISUAL IMPACTS MITIGATION MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall:
 1. Submit to and receive approval from the Director of Planning and Land Use grading plans identifying the placement of the church steeple at a location of lowest elevation and furthest from neighboring residences in order to allow the design to follow the natural topography of the landscape.

TRAFFIC IMPACT MITIGATION MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall:

1. The payment of the Transportation Impact Fee and fair share contribution, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
- B. For the duration of this Major Use Permit, the applicant shall restrict special events from commencing on any non-holiday weekday with a start time between 4:00 and 7:00 pm.
3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

BIOLOGICAL PROJECT DESIGN MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall:
 1. Provide for the approval of the Director of Planning and Land Use evidence that 2.89 acres of Southern Mixed Chaparral habitat credit has been secured in a County approved mitigation bank located in the San Diego County Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank:
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

NOISE RELATED PROJECT DESIGN MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall:
 1. Specify the following exterior components for the sanctuary building on the final building plans: one ground-mounted Carrier Model 38QRC024 Heat Pump or the equivalent with a maximum sound power rating of 68 decibels, two roof-mounted Carrier Model 38H034 condensing units or the equivalent each with maximum sound power rating of 81 decibels, one roof-mounted Carrier Model 50HJQ005 heat pump or the equivalent with a maximum sound power rating of 76 decibels, and one roof-mounted Carrier Model 50HJQ006 heat pump or the equivalent with a maximum sound power rating of 80 decibels. Their locations except for the ground unit are at the northwest end of the Sanctuary roof within ten feet of the north parapet wall. The ground-mounted unit is next to the southwest exterior of the building and east of the mechanical equipment shed as shown on the mechanical equipment layout for the Sanctuary on Exhibit 2b in the Appendix of the Noise Impact Study by Giroux and Associates dated August 4, 2003.
 2. Specify the following exterior components for the administration building on the final building plans: two ground-mounted Carrier Model 38QRC024 Heat Pumps or the equivalent each with a maximum sound power rating of 68 decibels, one ground-mounted Carrier Model 38QRC036 Heat Pump or the equivalent with a maximum sound power rating of 68 decibels, and two ground-mounted Carrier Model 38QRC048 Heat Pump or the equivalent with a maximum sound power rating of 76 decibels. Their ground locations are at the east corner of the Administration building within eleven feet of the retaining walls as shown on the mechanical equipment layout for the Administration building on Exhibit 2c in the Appendix of the Noise Impact Study by Giroux and Associates dated August 4, 2003.

3. Specify the following exterior components for the hall building on the final building plans: one roof-mounted Carrier Model 50HS024 Heat Pump or the equivalent with a maximum sound power rating of 80 decibels, two roof-mounted Carrier Model 50HJQ004 heat pumps or the equivalent each with maximum sound power rating of 76 decibels, five roof-mounted Carrier Model 50HJQ005 heat pumps or the equivalent each with a maximum sound power rating of 76 decibels, one roof-mounted Carrier Model 50HJQ008 heat pump or the equivalent with a maximum sound power rating of 82 decibels, one roof-mounted Reznor Model RPB Kitchen Hood Make-up Air unit or the equivalent with a maximum sound power rating of 76 decibels, and one roof-mounted Cook Model VCR245-HP exhaust fan or the equivalent with a maximum sound power rating of 70 decibels. Their locations except for the one heat pump on the northeast subroof are in the rooftop equipment well as shown on the mechanical equipment layout for the Hall on Exhibit 2d in the Appendix of the Noise Impact Study by Giroux and Associates dated August 4, 2003.
4. Specify on the final building plans a 4-foot tall L-shaped noise attenuation barrier to be built on top of the 6-foot retaining wall on the southeast side of the Administration building around the heat pumps as shown on Figure 3 of the Noise Impact Study by Giroux and Associates dated August 4, 2003. The minimum top of wall elevation for the barrier is 2,082 feet MSL. The maximum separation distance between the barrier and the southwest façade of each heat pump is 5 feet. The barrier may be made of materials such as masonry block, wood frame with stucco, steel, plexiglas, glass, or a combination of these materials. The minimum surface density of this barrier shall be at least 4 pounds per square foot.
5. Specify on the final building plans two mechanical screens as noise attenuation barriers for the two roof-mounted Carrier Model-38H034 condensing units or their equivalent on the Sanctuary building as shown on Exhibit 2b and Figure 2 of the Noise Impact Study by Giroux and Associates dated August 4, 2003. The minimum top of wall elevation for the barrier is 2,105 feet MSL (17 feet above the finish floor). The maximum separation distance between the barrier and the northwest façade of each condensing unit is 3 feet. A maximum 2-inch gap is allowed along the bottom of each screen barrier to allow for drainage. Each continuous screen may be constructed of 20-gauge sheet metal secured rigidly by a framework against wind buffeting or other environmental damage.

Other all-weather materials may be substituted for the sheet metal provided they have a standard transmission coefficient (STC) of 27 or more.

6. Specify on Sheet A-6 or the "Modular Building Elevations" of the final plot plans fourteen Bard model air-conditioners with the following language: "The interim fellowship hall shall have 7 Bard Model WA/WH241 wall-mounted air-conditioners or equivalently sized units each with an equivalent noise performance criteria (hourly maximum sound pressure level) of 45 decibels (dBA) or less at a distance of 50 feet. The interim administrative building and modular classrooms shall have a total of 7 Bard Model WA/WH361 wall-mounted air-conditioners or equivalently sized units each with an equivalent noise performance criteria (hourly maximum sound pressure level) of 48 decibels (dBA) or less at a distance of 50 feet." These air conditioners shall be mounted on four temporary buildings at the locations shown on the Exhibits on pages 19A and 19B in the revised Noise Impact Study by Giroux and Associates dated October 29, 2004.
- B. Prior to issuance of a final inspection or occupancy permits for each interim church facility, the applicant shall:
1. Submit to the satisfaction of the Director of the Department of Planning and Land Use for inclusion in the environmental file 83-14-052A, digital photos demonstrating that the specified equipment have been installed including their serial numbers or identification plates for each of the specified air conditioners at each completed interim installation. A second set of photographs shall be provided to the project's construction manager.
 2. Facilitate an on-site County inspection in order to verify with the digital photographs submitted in the environmental file 83-14-052A that the installation of the specified equipment described in the site plans and/or conditions of approval are correct.

VISUAL RELATED PROJECT DESIGN MEASURES:

- A. Prior to obtaining any building or other permit, including a grading permit, pursuant to this Major Use Permit Modification, and prior to commencement of construction or use of the property in reliance on this Major Use Permit Modification, the applicant shall;

1. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plans shall be submitted to the Resource Planning Division, Zoning Counter. Plans shall include:
 - a. Use of construction materials including colors, textures, and architectural styles that would be largely consistent with adjacent land uses and applicable planning policies of the community;
 - b. All parking spaces improved with a wheel stop a minimum of 6 inches high where the space is abutting: adjacent property, a building, a landscape area, or a walkway;
 - c. All parking spaces shall be no further than 30' from the trunk of a tree, specifically, the internal double row of spaces in the large parking lot.
- B. Prior to any occupancy or use of the premises pursuant to this Major Use Permit Modification, the applicant shall:
 1. Submit to the Director of Planning and Land Use a statement from the project California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.
 2. The following conditions shall apply during the term of this Major Use Permit Modification:

All landscape shall be adequately watered and well maintained at all times.

STREET IMPROVEMENT AND ACCESS PROJECT DESIGN MEASURES:

- A. Prior to the commencement of any construction and prior to obtaining any building permit pursuant to this Major Use Permit, the applicant shall:
 1. Relinquish access rights onto Victoria Drive (SC 1990) except for three (3) driveway openings, located as shown on the officially submitted Plot Plan, to the satisfaction of the Director of Public Works. The driveway openings shall be located a minimum distance of three-hundred feet (300') apart from each other.

2. Grant to the County of San Diego slope rights and drainage easements beyond thirty feet (30') from centerline along West Victoria Drive (SC 1990). (To process the necessary relinquishment of access rights documents, the applicant must provide a Lot Book Report less than three months old showing all Deeds of Trust, Grant Deeds, and a deposit for document processing fees to the real property division).
3. Improve, or agree to improve and provide security for, West Victoria Drive (SC 1990) to a one-half graded width of thirty feet (30') with Portland cement concrete curb, gutter, and sidewalk, asphalt concrete pavement over approved base with taper transition to existing pavement, and asphalt concrete dike taper to existing pavement. Face of curb will be twenty feet (20') from the centerline.
4. Secured agreements require posting security in accordance with Section 7613 of the Zoning Ordinance. They also require the improvements be completed by 24 months from the date approving the Major Use Permit or prior to use or occupancy of the facility, whichever is earlier. The Secured Agreement will be prepared by our Department after we receive the Roadway Improvement Plans, Engineer's Cost Estimate, Grant Deeds for the subject properties, Lot Book Report less than 3 months old, and any required deposits. If you represent a corporation, we require a corporate certificate indicating those corporation officers authorized to sign for the corporation. If you represent a partnership, we require a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
5. The project driveways shall be designed and constructed according to San Diego County Design Standards and San Diego County Public Road Standards, and approved to the satisfaction of the Director of Public Works. The driveway openings shall be located a minimum distance of three-hundred feet (300') apart from each other.
6. On-site driving isles shall be a minimum width of 24 feet with turning radius of 30 feet.

- B. Prior to any occupancy or use of the premises pursuant to this Major Use Permit Modification, the applicant shall:
 - 1. Certify that the intersectional sight distance in both directions along Victoria Drive (SC 1990) from all three (3) driveways is a minimum unobstructed distance per Section 6.1.E of the County Public Road Standards (approved July 14, 1999) or to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is required to ensure/maintain adequate sight distance in the future. The engineer or surveyor shall further certify that the sight distance of adjacent driveways and street openings beyond all existing road improvements on Victoria Drive (SC 1990) will not be adversely affected by this project. This certification shall be approved to the satisfaction of the Director of Public Works.

STORM WATER PROJECT DESIGN MEASURES:

- A. The following conditions shall apply during the term of this Major Use Permit Modification:
 - 1. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

SEPTIC SYSTEM PROJECT DESIGN MEASURES:

- A. For the duration of this Major Use Permit, the applicant shall:

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1. The project site shall be limited such that no special events (more than 200 people) would start between 4:00 and 7:00 PM on any non-holiday weekday.

FIRE SAFETY PROJECT DESIGN MEASURES:

- A. Prior to any occupancy or use of the premises pursuant to this Major Use Permit Modification, the applicant shall install four fire hydrants capable of supplying a minimum of 2000 GPM with a 20 PSI residual.
- B. For the duration of this Major Use Permit, the applicant shall adhere to the Short Form Fire Protection Plan dated February 25, 2007.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, Planning Manager
Regulatory Planning Division

JF:LS:jcr

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